

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	A	ATTORNEY DOCKET NO.
09/488,037	01/17/00	WINTER		3

HM32/0712

CONNOLLY BOVE LODGE & HUTZ LLP
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NAZARIO GONZALEZ, P

ART UNIT	PAPER NUMBER
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07/12/00

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary	Application No. 09/488,037	Applicant(s) Winter et al.
	Examiner Porfirio Nazario-Gonzalez	Group Art Unit 1621

All participants (applicant, applicant's representative, PTO personnel):

(1) Porfirio Nazario-Gonzalez

(3) Dr. Stefan Seelert

(2) Mr. Ashley I. Pezzner

(4) _____

Date of Interview Jul 7, 2000

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: 1-3

Identification of prior art discussed:

N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Pezzner argued that Applicants are entitled filed claims that are patentably distinct from the lost count (See final judgment, page 3, second paragraph of interference no. 104447). The Examiner argued that since Applicants didn't move in the interference phase to narrow the count and/or argued that the claimed subject matter in the reissue case is patentably distinct from the count by presenting a motion, Applicants are estoppel from claiming the subject matter that is part of the count.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Porfirio Nazario-Gonzalez
PORFIRIO NAZARIO GONZALEZ
PRIMARY EXAMINER
TC GROUP 1200 (600)